

**SENATE JOURNAL
60TH LEGISLATURE
FIFTEENTH LEGISLATIVE DAY**

Helena, Montana
January 23, 2007

Senate Chambers
State Capitol

Senate convened at 1 p.m. President Cooney presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. **SEN. GERALD PEASE, SD 21, LODGE GRASS** excused. Quorum present.

Yeas: Bales, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.

Total 43

Nays: Balyeat, Esp, Gebhardt, Jackson, O'Neil, Shockley.

Total 6

Absent or not voting: None.

Total 0

Excused: Pease.

Total 1

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:	1/22/2007
HB 76 , introduced by McNutt	
House bill passed and transmitted to the Senate for concurrence:	1/22/2007
HB 86 , introduced by Musgrove	
House bill passed and transmitted to the Senate for concurrence:	1/22/2007
HB 124 , introduced by French	
House bill passed and transmitted to the Senate for concurrence:	1/22/2007
HB 128 , introduced by Becker	
House bill passed and transmitted to the Senate for concurrence:	1/22/2007
HB 177 , introduced by Boggio	
House bill passed and transmitted to the Senate for concurrence:	1/22/2007
HB 206 , introduced by Ingraham	
House bill passed and transmitted to the Senate for concurrence:	1/22/2007

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 23, 2007

HB 242, introduced by Ripley

FIRST READING AND COMMITMENT OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 326, introduced by Schmidt, referred to Public Health, Welfare and Safety.

SB 327, introduced by Lewis, Mendenhall, referred to Judiciary.

SB 328, introduced by Steinbeisser, Williams, Lind, Black, J. Peterson, Brueggeman, Murphy, Smith, referred to Agriculture.

SB 329, introduced by O'Neil, referred to Judiciary.

SB 330, introduced by O'Neil, Gebhardt, Barkus, Balyeat, referred to Judiciary.

SB 331, introduced by Gallus, referred to Business, Labor, and Economic Affairs.

SB 332, introduced by Juneau, Small-Eastman, Pease, Smith, Bixby, Jayne, Augare, referred to Taxation.

SB 333, introduced by Juneau, Smith, Small-Eastman, Jayne, Bixby, referred to State Administration.

SB 334, introduced by Pease, referred to Fish and Game.

SB 335, introduced by Tash, Ryan, referred to Education and Cultural Resources.

SB 336, introduced by Lind, Cobb, Campbell, Bixby, French, W. Jones, Larson, Hollenbaugh, Bergren, referred to Public Health, Welfare and Safety.

SB 337, introduced by Wanzenried, Gillan, Larson, Moss, Grinde, Van Dyk, Driscoll, Becker, Branae, Wilmer, Wiseman, Noonan, Harrington, Groesbeck, Sesso, Gallus, Villa, Parker, Cohenour, Cooney, Gallik, Kaufmann, Erickson, Henry, Hands, Williams, Lind, McAlpin, Wanzenried, Windy Boy, Bergren, Bixby, Small-Eastman, Smith, Jopek, referred to Natural Resources and Energy.

The following House bills were introduced, read first time, and referred to committees:

HB 76, introduced by McNutt, referred to Business, Labor, and Economic Affairs.

HB 86, introduced by Musgrove, referred to State Administration.

HB 124, introduced by French, referred to State Administration.

HB 128, introduced by Becker, referred to Judiciary.

HB 177, introduced by Boggio, referred to State Administration.

HB 206, introduced by Ingraham, referred to State Administration.

HB 242, introduced by Ripley, referred to State Administration.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

Senator Williams moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Moss in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 60 - Senator Cobb moved **SB 60** do pass. Motion carried with Senator O'Neil voting nay.

SB 36 - Senator Cocchiarella moved **SB 36** do pass. Motion carried unanimously.

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 23, 2007

SB 122 - Senator Kitzenberg moved **SB 122** do pass. Motion carried as follows:

Yeas: Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lind, Moss, Murphy, Ryan, Schmidt, Smith, Squires, J. Tropila, M. Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 27

Nays: Bales, Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Gebhardt, Hawks, Jackson, Jent, Laible, Lewis, McGee, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.
Total 22

Absent or not voting: None.
Total 0

Excused: Pease.
Total 1

SB 164 - Senator Gallus moved **SB 164** do pass. Motion carried unanimously.

SB 133 - Senator Essmann moved **SB 133**, second reading copy, be amended as follows:

1. Title, line 7.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 3, line 13.

Following: line 12

Insert: "NEW SECTION. Section 4. Applicability. [This act] applies to executions of judgment in actions resulting in judgment filed on or after [the effective date of this act]."

Amendment adopted unanimously.

SB 133 - Senator Essmann moved **SB 133**, as amended, do pass. Motion carried unanimously.

SB 152 - Senator Black moved **SB 152**, second reading copy, be amended as follows:

1. Title, lines 13 through 16.

Following: "DISTRICT;" on line 16

Strike: remainder of line 16 through "YEAR;" on line 16

2. Title, line 20.

Strike: "20-1-301, 20-3-205,"

Strike: "20-7-117,"

3. Title, line 21.

Strike: "20-9-308, 20-9-311, 20-9-313, 20-9-314,"

4. Page 4, line 17 through line 30.

Strike: section 9 in its entirety

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 23, 2007

Renumber: subsequent sections

5. Page 6, line 20 through page 8, line 26.

Strike: section 11 in its entirety

Renumber: subsequent sections

6. Page 9, lines 7 through 21.

Strike: section 13 in its entirety

Renumber: subsequent sections

7. Page 12, line 19 through page 28, line 8.

Strike: sections 15 through 18 in their entirety

Renumber: subsequent sections

8. Page 32, line 3.

Strike: "24(3)"

Insert: "17(3)"

9. Page 33, line 18.

Strike: "10"

Insert: "9"

10. Page 33, line 19.

Strike: "10"

Insert: "9"

11. Page 33, line 20.

Strike: "22 through 24"

Insert: "15 through 17"

12. Page 33, line 21.

Strike: "22 through 24"

Insert: "15 through 17"

13. Page 33, line 23.

Strike: "10 and 12"

Insert: "9 and 10"

14. Page 33, line 25.

Strike: "9"

Insert: "8"

Strike: ", 13 through 26, and 28"

Insert: "through 19, and 21"

Amendment **not** adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Cobb, Curtiss, Esp, Essmann, Gebhardt, Jackson, Laible, McGee, Murphy, O'Neil, Perry, Peterson, Shockley, Stapleton, Steinbeisser, Story, Tash.

Total 22

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 23, 2007

Nays: Brueggeman, Cocchiarella, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Larson, Laslovich, Lewis, Lind, Moss, Ryan, Schmidt, Smith, Squires, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 27

Absent or not voting: None.
Total 0

Excused: Pease.
Total 1

SB 152 - Senator Ryan moved **SB 152** do pass. Motion carried as follows:

Yeas: Brown, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Perry, Peterson, Ryan, Schmidt, Smith, Squires, Stapleton, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 35

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, McGee, Murphy, O'Neil, Shockley, Steinbeisser, Story, Tash.
Total 14

Absent or not voting: None.
Total 0

Excused: Pease.
Total 1

SB 47 - Senator Esp moved **SB 47** do pass. Motion carried unanimously.

SB 71 - Senator Gebhardt moved **SB 71** do pass. Motion carried unanimously.

Senator Williams moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Cooney in the chair. Chairman Moss moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 77 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 23, 2007

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Pease.
Total 1

SB 92 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 46

Nays: Brown, Essmann, O'Neil.
Total 3

Absent or not voting: None.
Total 0

Excused: Pease.
Total 1

SB 123 passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Moss, Pease, Perry, Ryan, Schmidt, Smith, Squires, Story, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 35

Nays: Balyeat, Barkus, Brown, Curtiss, Esp, Essmann, Jackson, McGee, Murphy, O'Neil, Peterson, Shockley, Stapleton, Steinbeisser, Tash.
Total 15

Paired: Pease, Aye; Esp, No.

Absent or not voting: None.
Total 0

Excused: None.
Total 0

SB 141 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams,

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 23, 2007

Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Pease.
Total 1

SB 169 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Pease.
Total 1

SB 203 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brown, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Jackson, Jent, Juneau, Kaufmann, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, McGee, Moss, Murphy, O'Neil, Perry, Peterson, Ryan, Schmidt, Shockley, Smith, Squires, Stapleton, Steinbeisser, Story, Tash, J.Tropila, M.Tropila, Wanzenried, Weinberg, Williams, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Pease.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

SENATE JOURNAL
FIFTEENTH LEGISLATIVE DAY - JANUARY 23, 2007

Majority Leader Williams moved that the Senate adjourn until 1 p.m., Wednesday, January 24, 2007. Motion carried.

Senate adjourned at 2:18 p.m.

JOHN MUDD
Secretary of the Senate

MIKE COONEY
President of the Senate